

ELECTRONICALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	: 10/680,602	Confirmation No. 5764
Applicant	: Olin Palmer et al.	
Filing Date	: October 6, 2003	
Title	: INTRAVASCULAR DEVICE AND SYSTEM	
Art Unit	: 3734	
Examiner	: Kevin Thao Truong	
Docket No.:	: ACS 65628 (G2929USD1)	
Customer No.	: 24201	May 20, 2009

MAIL STOP APPEAL BRIEF-PATENTS  
Commissioner for Patents

NOTICE OF APPEAL FROM THE EXAMINER

TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated February 20, 2009, rejecting each of pending claims 1, 6 and 13-28.

This second Notice of Appeal and Appeal Brief are being submitted pursuant to MPEP § 1204.01 which allows an applicant to reinstate an appeal after prosecution is reopened. Applicant initially filed a Notice of Appeal on January 11, 2008 and paid the filing fee of \$510 pursuant to 37 C.F.R. 41.20(b)(1) and the fee of \$510 for submitting a brief in support of the appeal pursuant to 37 C.F.R. 41.20(b)(2). Pursuant to MPEP § 1204.01, Applicant must only pay the difference for the current cost for filing this Notice of Appeal, namely, \$540, and the amount previously paid. Accordingly, please charge the difference between these two filing fees, namely, \$30, to Deposit Account No. 06-2425 with this electronic transmission. Additionally, Applicant must only pay the difference for the current cost for filing the brief in support of the appeal, namely, \$540, and the amount previously paid. Accordingly, please

charge the difference between these two filing fees, namely, \$30, to Deposit Account No. 06-2425 with this electronic transmission. The Commissioner is hereby authorized, however, to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LLP

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